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the time of the death of a testator or intestate—which largely controls the duty to pay the tax and fixes its amount—is readily ascertainable. The convenience of the practitioner is further considered by the publication in Part IV of the book of a complete collection of forms in use in Transfer Tax proceedings. Apart from the plan adopted, which is justified by the purpose sought by the authors, the work seems to be very well done. They have not been content with a statement of the decisions of the courts of last resort, but have apparently attempted to collect and collate all the reported decisions on the subject, besides setting forth *in ipsissimis verbis* the various statutes. The student has therefore in small compass all the law on the subject in existence at the time of the making of the book. Furthermore, the points decided seem, from an examination of cases selected at random, to be fairly stated. It would seem that no one whose practice is in the Surrogates' courts of the state could afford not to own the book.

LITTLETON'S TENURES: In English. Edited by Eugene Wambaugh, LL.D. Washington: John Byrne & Co. 1903. pp: lxxxvi, 341.

It is hard to speak of this excellent work with the moderation befitting a critical review. Manifestly a labor of love, it is as remarkable for the scholarship and sound judgment by which it is pervaded, as for the enthusiasm and industry with which it was undertaken and prosecuted to completion. If this edition does not rank with those of Coke, Hargrave and Butler, it is only because the learned editor has limited himself strictly to his editorial task and has avoided that of the commentator. In point of accuracy, fulness of information and critical acumen, he need not fear comparison with the best of his predecessors. Indeed, Professor Wambaugh's critical apparatus is of the most formidable description. Not only does he, in his admirable introduction, present a perfect picture of the time, and, within the limits of our knowledge, of the man, but, by his critical reading of the various texts of the original treatise and his word for word correction of the standard translation employed by Coke, he has, it can scarcely be doubted, given this legal classic its final English form. The bibliography appended to the introduction is an impressive exhibition of critical research. Omitting the abridgments, the editor enumerates and describes 43 complete editions printed in Law French only, two in Law French and Modern French, 39 in English only, two in both Law French and English and 25 editions of Coke upon Littleton—111 in all, scattered through the libraries of England and America, all but ten of which he has personally examined.

The notes, which appear on nearly every page, are almost exclusively critical and are models of what such notes should be, being clear and concise in expression, giving all necessary information for an understanding of the text, making judicious use of the criticism of all previous editors, but preserving an independent judgment on disputed points. The only note in the book which makes an im-

pression of obscurity is the explanation on page 84 of the curious phrase "out of the scite of the lord's manor" which appears in the orthodox version as "out of the city or out of his lord's manor." It might have been well to add a few words of explanation to Coke's critical rendering of this passage. Littleton's text is too lucid and the Elizabethan language of his translator too familiar to readers of Shakespeare and the English Bible to call for much in the way of explanation of its meaning, and accordingly, merely explanatory notes are rare, being confined to an occasional modern rendering of a word which has lost its former meaning or has dropped out of our current vocabulary. It may be doubted if it was necessary to call repeated attention to the use of "after" for "afterwards" and of "Common Place" for "Common Pleas," but even the serious student, for whom the book is intended, will hardly complain of such a slight excess of editorial care. A more literal rendering of obsolete technical expressions, as "congeable" ("lawful") and "eschewed" ("fallen"), might perhaps have been desirable.

Two possible and opposing criticisms are suggested by the very perfection of the work under consideration. It may be doubted by some whether an obsolete treatise on feudal tenures, classic though it be, was worth the expenditure of the rich and varied learning in which Professor Wambaugh has presented it. And it may be asked, on the other hand, why, if the work was worth doing at all, or, at least, if it was to be done in any but the perfunctory way in which legal classics are usually set forth anew, it should not have had the advantage of a new commentary, and so have been made to live again in the law of the present day. Neither of these objections would present themselves to the legal scholar. Littleton's law may be, for the most part, obsolete, but his work is of perennial interest and value. As the treasure-house of the profound and intricate learning in which the feudal law of land was bodied forth, no one who has occasion to resort to it—whether the practicing lawyer or the earnest student—will feel that he can safely dispense with any of the aids to an understanding of his author with which the editor of this edition has furnished him. But Littleton's day as a legal handbook or "clerk's remembrancer" is past. The book of Tenures cannot be modernized and transformed by editorial magic into a compendium of modern law. Even in Coke's day, little more than a century after Littleton's death, the rehabilitation of the work as a treatise on the contemporary law of real property in England was no easy task. Here and now, three hundred years later, in a new land, whose discovery Littleton did not live to see, the attempt would be futile. The little work which Coke called "the ornament of the common law" must still be resorted to for the picture which it gives of the law of its time, for the light that it throws on the law of our time, but it is safe to predict that Coke's commentary on Littleton will never have a successor.

Thus regarding the work, as a classic and only as a classic, we must approve Professor Wambaugh's decision not to give it a modern rendering, but to employ the translation made famous by Coke's

adoption of it and with which the lawyers of a dozen generations have been familiar. In point of accuracy this common version leaves nothing to be desired, and, as has been said before, its antique phraseology presents no difficulties to those to whom the language of Shakespeare is still intelligible.

Where so much is given it may savor of impertinence to ask for more, but the lack of an index from the hand of so conscientious an editor seems to call for explanation. With the full table of contents provided by the author himself the need may not be a pressing one, but a complete subject-index would surely be an added convenience.

The publisher deserves commendation for his share in the work. There is too much evidence of careless proof-reading, but the volume is otherwise well made and fits appropriately into the neat and convenient Legal Classic Series, of which it forms a part. As it stands, the book is a monument of legal scholarship and it sets a standard by which all work of that character must hereafter be judged.